

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

Call to Order: By **CHAIRMAN AL BISHOP**, on January 22, 2001 at 3 P.M., in Room 317-A Capitol.

ROLL CALL

Members Present:

Sen. Al Bishop, Chairman (R)
Sen. Duane Grimes, Vice Chairman (R)
Sen. Chris Christiaens (D)
Sen. Bob DePratu (R)
Sen. Eve Franklin (D)
Sen. Don Hargrove (R)
Sen. Dan Harrington (D)
Sen. Royal Johnson (R)
Sen. Jerry O'Neil (R)
Sen. Emily Stonington (D)

Members Excused: Sen. Fred Thomas (R)

Members Absent: None.

Staff Present: Jeanne Forrester, Committee Secretary
Susan Fox, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 207, 1/16/2001 SB 77,
1/16/2001
Executive Action:

HEARING ON SB 207

Sponsor: SEN. BOB KEENAN, SB 38, Bigfork

Proponents: Leslie Garvin, Attorney, Board of Visitors
Brian Garrity, Mental Health Ombudsman
SEN. TOM BECK, SD 28, Deer Lodge

**Charles McCarthy, Mental Health Association
SEN. MIGNON WATERMAN, SD 26, Helena**

**Opponents: Mike Thatcher, Chief Executive, Community,
Counseling, and Correctional Services, Inc.
Mike Grayson, County Attorney Anaconda - Deer Lodge**

Opening Statement by Sponsor:

SEN. BOB KEENAN, SB 38, Bigfork introduced SB 207. this bill asks the Legislature to cancel the plans of the State Land Board to turn over the Xanthopolous building to a private entity to turn it into a pre-release center. This bill should probably be looked at by a subcommittee.

Proponents' Testimony:

SEN. TOM BECK, SD 28, Deer Lodge, said the Land Board plans should be called off. It is not a good idea to give the building away when the state health and the corrections system have a need for additional space. If we don't make any plans for this building, it will revert to the Land Boards plan on April 1, 2001. We also need to look at dealing with 4th time DUI offenders and this might be a place we can house them.

SEN. MIGNON WATERMAN, SD 26, Helena, said she is in support of this bill. We need to take action because this bill does need to pass the entire Legislature, and be signed by the Governor before April 1, 2001. Otherwise this property does transfer to Anaconda - Deer Lodge. We want the Legislature to decide what is the best use of this building. She doesn't feel it is in the state's best interest to transfer this building to a private group. She urged the committee to pass the bill in some form.

Leslie Garvin, Attorney, Board of Visitors, presented a letter of testimony **EXHIBIT (phs17a01)**.

Charles McCarthy, Executive Director Mental Health Association of Montana, said the building was built in 1988; in 1995 the building was turned over to the Department of Corrections. He agrees with **SENATOR KEENAN** to have a committee study this further.

Opponents' Testimony:

Mike Thatcher, Chief Executive, Community, Counseling, and Correctional Services, Inc. passed out a copy of a proposal to lease the Xanthopolous Building **EXHIBIT (phs17a02)**. The plans for

this building have been years in the making, and Anaconda - Deer Lodge are in dire need of prison beds. We are not here to request money from the state. He concludes this should be studied further and would be happy to answer any questions.

Mike Grayson, County Attorney Anaconda-Deer Lodge, appeared on behalf of the county in opposition of SB 207. The concern they have is if SB 207 were to pass as drafted, it would prevent the transfer to **Mike Thatcher's** group; and they are concerned their county could end up with a vacant building. If the Legislature does not act on this bill with **Mr. Thatcher's** proposal, they would like to have a proposal with full funding.

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Questions from Committee Members and Responses:

SEN. CHRISTIAENS asked what, if, anything is owed on the building. **SEN. KEENAN** said the building has been paid off. **SEN. CHRISTIAENS** would like to know what plans have been made for the geriatric population of the prison and also for the mentally ill. **Sally Johnson, Department of Corrections**, said the majority of the geriatric inmates are kept in the D Unit. These inmates are 11 years older than their chronological counterparts, because of the lifestyle they have lead, i.e. drug abuse, alcoholism, violence. In 1996, a proposal was put together for a treatment unit to have 24 beds for our geriatrics on the Xanthopolous campus. It would have cost about \$75.00 per day; they found trying to run a satellite facility from Montana State Prison was very costly. They have an infirmary for health problems for their inmates who don't need to go to the hospital or are in need of nursing home care. This has been very cost effective. The department desperately needs a reception unit for processing new inmates. The other issue would be to jack hammer out the current reception unit, it is adjacent to the infirmary and it would be perfect for special needs inmates. She stated they had the mentally ill inmates in a Unit in Close 3. All of their needs are met and they are mainstreamed as much as possible.

SEN. CHRISTIAENS said **Ms. Johnson** did not answer his question. What is your plan and what is the price tag? **Ms. Johnson** said once we get the new reception unit built, they would convert the old reception unit in a facility that would be appropriate for these special needs folks. **SEN. CHRISTIAENS** asked what kind of cost are you looking at. **Ms. Johnson** said she would get him the numbers. **SEN. CHRISTIAENS** wanted to know the number of beds. **Ms. Johnson** stated they have never had more than 16 beds for the mentally ill. **SEN. CHRISTIAENS** said maybe we should be looking at the Xanthopolous building for this population, rather than

spending millions of dollars for a new building, on the current campus. **Ms. Johnson** said no matter what, something need to be done to the current reception building.

SEN. ROYAL JOHNSON asked **Mr. Thatcher**, what kind of money is the state going to get if they turn the building over to them. **Mr. Thatcher** said there isn't any exchange of capital. **SEN. JOHNSON** asked if his program is planning to put in a penal facility. **Mr. Thatcher** said they have submitted multiple proposals to the Department of Corrections identifying the classification of an inmate they wanted. He also added this facility without significant upgrades is not a good secure facility. **SEN. JOHNSON** said isn't it correct that if you put prisoners in that facility; the state would be paying for those prisoners. **Mr. Thatcher** said that is correct. The cost of the state to do this would be \$77.00 a day, the cost of his company doing the same thing would be \$60.00 a day. However, the costs to house someone in a mental health facility are much higher. **SEN. JOHNSON** asked if it would be cheaper to build another facility on that campus for any overflow mental health patients. **Mr. Thatcher** said the building is a very attractive building, but it would not be a secure building. The cost to make it a secure building would be \$5 million.

SEN. STONINGTON asked about the vacancy issue of this building. **SEN. KEENAN** doesn't believe there will be much of a vacancy issue in that building. If we can get a 4th time DUI offender program up and running by October, it will save a significant amount of money. What we envision is to have that building be a treatment center for inmates- mentally ill or 4th time DUI offenders. It would be a long term treatment program. It doesn't make any sense for us to give that facility away to a county, who is in turn going to lease it to a private entity.

SEN. CHRISTIAENS asked what the number of beds that are available in that facility. **Mr. Thatcher** said there would be 72 jail beds and 142 state beds (double bunking). Right now the number of beds is half that because they are single beds.

Dan Anderson, Department of Public Health and Human Services, said right now there are 96 beds.

Closing by Sponsor:

SEN. KEENAN closed on SB 207.

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HEARING ON SB 77

Sponsor: SEN. DON HARGROVE, SD 16, Belgrade

Proponents: Hank Hudson, Department of Public Health and Human Services (DPHHS)
Christine Amundson, Montana Chapter of the National Association of Social Workers
Sherry Meador, Court Assessment Program

Opponents: Wendy Young, Working for Equality and Economic Liberation (WEEL)
Brianna Kirsten, Montana Peoples Action

Opening Statement by Sponsor:

SEN. HARGROVE, SD 16, Belgrade, introduced SB 77, saying this bill has often been called FAME 2, the statutory progression of the welfare program in Montana. This bill gets rid of the acronym FAIM, Family Achieving Independence in Montana. This program has been pretty successful. This bill changes the name from FAIM to TANF (Temporary Assistance for Needy Families). This bill allows for cash and food stamps for persons convicted of drug offenses, as long as they remain on probation and in treatment.

Proponents' Testimony:

Hank Hudson, DPHHS, passed out an overview of the proposed enhancements to welfare reform **EXHIBIT**(phs17a03).

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FAIM phase 2 will create a program to continue to work with people to get them out of poverty. Welfare reform has time limits, you can only receive public assistance for 16 months. So we need to assist these folks to get them into a higher paying jobs, by offering job training.

This bill is part of a larger welfare reform bill we are taking to the Legislature, and is essential to move into the next phase of welfare reform.

Sherry Meador, Court Assessment Program, our program is working with Billings courts and developed the Family Drug Court. We need to address the convicted (drug) felons, who have children and look at the holistic approach the court is trying to

establish. We ask you to look at this program for felons who have children.

Christine Amundson, Montana Chapter of the National Association of Social Workers, handed out a copy of her testimony **EXHIBIT** (phs17a04).

Opponents' Testimony:

Wendy Young, WEEL, represents a group of low income families, who would be affected by this bill. These families are currently on FAIM, or have left FAIM, or waiver between work and public assistance. She is concerned about the assessments and evaluations of the people. What are these - are they drug tests - are they mental health tests? What does the department mean? The other concern was non-assistance and other bills that are looking at the same money.

Brianna Kirsten, Montana Peoples Action, represents 5500 low income and working families in Montana. She, too, is concerned about the area of non-assistance. This bill lacks specific guidelines as to where the money will go.

Questions from Committee Members and Responses:

SEN. FRANKLIN asked for clarification of who is competing for this pot of money. **Ms. Young** said by passing this bill, you will think you have covered all non-assistance needs; but this bill doesn't deal with things like child support, education, and housing.

SEN. CHRISTIAENS asked about the total amount of TANF dollars available. **Mr. Hudson** stated they had identified \$29 million dollars as part of our expenditures for FAIM phase 2. To operate our current program they have now subtracted \$10 million from the \$29 million. Now they were dealing with a considerably smaller amount of money for FAIM phase 2. **SEN. CHRISTIAENS** asked for a sheet to explaining the funding.

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SEN. CHRISTIAENS told the committee they have two tribes who operate their own funding. Would the tribes get a portion of the additional money we are now receiving? **Mr. Hudson** said the money was awarded to the state after the tribes had left the state system, therefore, they were not eligible.

SEN. CHRISTIAENS had a bill that would allow \$2 million of the TANF funds to go to the Montana Board of Housing, available to those below the 200% poverty line. He wondered if the Board of Housing be subject to the same rules and regulations that deal with TANF and would there be waivers. **Mr. Hudson** said they are no waivers, the would be regulations are such - you can't construct with the money and you can't buy real estate, but you can assist with rent payments, and you can assist with closing costs.

SEN. CHRISTIAENS asked what is defined in 21 USC 802. **Mr. Hudson** says anyone convicted of a drug related felony, after August of 1996, is ineligible for block grants or food stamps, but state legislatures have the power to change this.

SEN. CHRISTIAENS ASKED how the drug courts use this money. **Ms. Meador** says currently family drug court is not funded by block grants. We are trying to coordinate resources to find alternative sources for funding for family drug court. **SEN. CHRISTIAENS** asked if this would pay for drug treatment. **Ms. Meador** it can be used as a second source of treatment.

SEN. FRANKLIN asked to look at page 26 line 30 -"cooperates in all assessments and screening required by the department" and have that explained. **Mr. Hudson** said this bill would allow the department to have the authority to require people to cooperate when they need to be assessed and screened.

SEN. STONINGTON asked if there is a place in statute where assessment is defined. **Mr. Hudson** said he would bring in a definition of assessment.

SEN. O'NEIL inquired about a change from county offices to local offices, and if it would create more or less offices. **Mr. Hudson** it will probably result in less administrative infrastructure. He hoped to streamline the operation.

SEN. JOHNSON what is the difference between financial assistance 45 CFR 260.31(a) and nonfinancial assistance 45 CFR 260.31 (b). **Mr. Hudson** said those are the federal definitions.

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Closing by Sponsor:

Sen. Hargrove advised the members they might want to have **Mr. Hudson** here when they do executive action. This bill will be enabling legislation that will be with us for a long time.

ADJOURNMENT

Adjournment: 4:45 P.M.

SEN. AL BISHOP, Chairman

JEANNE FORRESTER, Secretary

AB/JF

EXHIBIT (phs17aad)